

REMARKS

Claims 4, 6, 7, 23-29 and 31-34 are pending. Claims 5, 16, and 18-22 are canceled without prejudice, in order to facilitate allowance of the application. Independent claims 4, 7, and 24 have also been amended to facilitate allowance of the application. The amendments to the claims are the same as those made in the November 9, 2006 Response to Final Office Action. No new matter has been added.

Claim Rejections Under 35 U.S.C. §102

Claims 16-22 are rejected under 35 U.S.C. §102(e) as being anticipated by U.S. Patent No. 6,865,431 to Hirota et al. ("Hirota").

This basis of rejection is now moot as these claims are no longer pending.

Claim Rejections Under 35 U.S.C. §103

Hirota + Tagawa

Claims 4-7 and 24-29 are rejected under 35 U.S.C. §103(a) as being unpatentable over U.S. Patent No. 6,865,431 to Hirota in view of U.S. Patent No. 6,615,192 to Tagawa et al. ("Tagawa").

Independent claims 4, 7, and 24 have been amended and are submitted to be novel over the combination of Hirota and Tagawa as discussed with the Examiner.

As mentioned previously, Hirota is silent on the quantity of content (measured in a decrypted and decoded format) that is copied and decrypted before copying and decrypting an additional quantity. Although Hirota appears to be silent on this issue, if any of the disclosure within Hirota could be interpreted to teach or suggest a quantity copying and decrypting, the suggestion would appear to be a much larger quantity, the amount of content contained within a complete AOB file. Hirota teaches, "a descrambler 7 for decrypting AOB_FRAMEs *using a different FileKey for each AOB file.*" Col. 42, lines 34-36. See also eg. FIG. 8A, FIG. 8B, FIG. 9, and FIG. 10.

As the Examiner has recently asserted, the term "track" refers to a meaningful playback unit for users. January 26, 2007 Office Action at 3. This is correct, and would lead one of skill in the art to decrypt an entire track at once, once the proper keys are calculated or decrypted and therefore made ready for use in such a process. In summary, Hirota and Tagawa appear to teach

away from these independent claims by teaching and/or suggesting that an entire track, the "meaningful unit" cited by the Examiner, be decrypted at a time with the appropriate file key.

For example, as pertains to independent claim 7, nothing within Hirota and Tagawa teaches one to delete a media unique key part way through decrypting a track. This media unique key once calculated is needed to decrypt the rest of the track, and it would be counter-intuitive to decrypt it before the entire track is decrypted. The situation with the title key is similar as an appropriate and decrypted title key or keys are also needed to decrypt the track.

Hirota + Tagawa + Saxena

Claims 23 and 31-34 are rejected under 35 U.S.C. 103(a) as being unpatentable over "Hirota" in view of "Tagawa" and in view of U. S. Patent No. 5,805,821 to Saxena et al. ("Saxena").

As mentioned previously, this three way combination of references is not supported by the references and would not be made by one of skill in the art absent hindsight.

As admitted by the Examiner, the combination of Hirota and Tagawa does not teach "an applications programming interface for receiving the commands from the one or more user interface modules and managing the retrieval and storage of encrypted content from the secure medium." Therefore, the Examiner has added Saxena to the combination of Hirota and Tagawa.

There is no teaching of encryption or decryption with Saxena. Thus, Saxena cannot and does not teach "one or more application programming interfaces configured to:...copy encrypted keys and encrypted content from the memory storage device to a memory of the portable device; decrypt the keys; decrypt the content using the decrypted keys; and thereafter delete the decrypted keys." The simple disclosure of an API within Saxena does not teach the claim limitations regarding the specific API of the claim.

While Saxena does disclose usage of an API, Saxena is not related to and does not teach "a system enabling a portable device to access encrypted music on a memory storage device." Usage of such an API is not trivial, and serves to enable the system to work with a variety of different devices that may have completely different user interfaces and hardware/software platforms. The API enables one system to work in a myriad of different hardware/software platforms to retrieve content from a media storage device, which in the preferred embodiments is

a portable memory card. This is very different than the teachings of Saxena which relate to streaming content over a network:

The system of this invention provides the following features: scalability to deliver from 1 to 1000's of independently controlled data streams to end users; an ability to deliver many isochronous data streams from a single copy of data; mixed output interfaces; mixed data rates; a simple "open system" control interface; automation control support; storage hierarchy support; and low cost per delivered stream. Saxena Summary.

Even if the combination of Saxena, Hirota and Tagawa does teach all of the recitations of the claim, one of skill in the art would not be motivated to combine all of the three references. Saxena is not pertinent to the "system enabling a portable device to access encrypted music on a memory storage device" recited in claim 23, but instead relates to a video optimized media streamer user interface employing non-blocking switching to achieve isochronous data transfers. While Saxena mentions usage of an API, this is an insufficient motivation to combine. There are no specific teachings with the references that would lead one of skill in the art to combine the teachings of all three of these references to arrive at the claimed combination. Nor would one of skill in the art make the combination without the benefit of hindsight. As mentioned above, Saxena is related to and teaches streaming thousands of data streams to end users, not to the claimed system. Furthermore, as mentioned earlier, Saxena has no teachings related to encryption or decryption of content and/or keys.

Information Disclosure Statement

A Supplemental Information Disclosure Statement is being filed herewith. It is respectfully requested that this Supplemental Information Disclosure Statement be considered and the PTO Form 1449 be initialed and returned with the next Action.

Power of Attorney

A Revocation and Power of Attorney by Assignee and Exclusion of Inventor(s) Under 37 C.F.R. 3.71 was electronically filed on June 27, 2007 and is available in PAIR records. It is

respectfully requested that this document be entered so that the application is properly associated with Customer No. 69735 and its attorneys.

Conclusion

Accordingly, it is believed that this application is now in condition for allowance and an early indication of its allowance is solicited. However, if the Examiner has any further matters that need to be resolved, a telephone call to the undersigned at 415-591-1584 would be appreciated.

Respectfully submitted,

7/24/07
Date

P. Mikhail
Peter G. Mikhail, Reg. No. 46,930
on behalf of Allan A. Fanucci, Reg. No. 30,256

WINSTON & STRAWN LLP
Customer No. 69735
(415) 591-1584